

DIVISION III
ABSENTEE VOTING

721—21.300(53) Satellite absentee voting stations. The county commissioner of elections may designate locations in the county for absentee voting stations. If the commissioner receives a petition requesting that a satellite absentee voting station be established at a location described on the petition, the commissioner shall provide the requested station if the petition was properly signed and filed. The petition shall be rejected if the site chosen is not accessible to elderly and disabled voters or has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting, or if the owner of the site refuses permission to locate the satellite absentee voting station at the site named on the petition. The petition may be refused if the owner of the site demands payment for its use.

The petition shall be signed by not less than 100 eligible electors of the county. The petition shall be filed with the commissioner no later than the deadline specified in Iowa Code section 53.11 for the election.

Satellite absentee voting stations established by petition shall be open for at least one day for a minimum of six hours. Satellite absentee voting stations shall be accessible to elderly and disabled voters.

Only ballots from the county in which the site is located may be provided at the satellite absentee voting station. However, it is not necessary to provide ballots from all of the precincts in the county.

21.300(1) Form of petition. The petition requesting that a satellite absentee voting station be established at a specific location shall be in substantially the following form:

STATE OF IOWA
PETITION FOR ABSENTEE VOTING STATION

Instructions: This petition may be signed by people who

- are U.S. citizens,
- are at least 18 years old,
- have not been convicted of a felony,
- have not been declared mentally incompetent by a court,
- and who live in this county.

They do not need to be registered voters.

The petition must be taken to the county auditor's office before 5 p.m. on _____.

Date of election: _____

We, the people of _____ County, request that there be an absentee voting station at the place described below.

[Instructions: Give the address of the building, and the name of the building, if it has a name. Elderly and disabled voters must be able to get into the building to vote.]

Signature	Address, including street and number, if any	Date signed
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2.		
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24.		
25.		

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21.300(2) Notice provided. Notice shall be published at least seven days before the opening of any satellite absentee voting station. If more than one satellite absentee voting station will be provided, a single publication may be used to notify the public of their availability.

A notice shall also be posted at each satellite absentee voting station at least seven days before the opening of the satellite absentee voting station. The notice shall remain posted as long as the satellite absentee voting station is scheduled for service. If it is not possible to post the notice at least seven days before the station opens due to the receipt of a petition, the notice shall be posted as soon as possible.

Both the published and posted notices shall include the following information:

- a. The name and date of the election for which ballots will be available.
- b. The location(s) of the satellite absentee voting station(s).
- c. The dates and times that the station(s) will be open.
- d. The precincts for which ballots will be available.

e. An announcement that voter registration forms will be available for new registrations in the county until the time registration closes before the election and that changes in the registration records of people who are currently registered within the county may be made at any time.

If the satellite absentee voting station is located in a building with more than one public entrance, brief notices of the location of the satellite absentee voting station shall be posted on building directories, bulletin boards, or doors. These notices shall be posted no later than the time the station opens and shall be removed immediately after the satellite absentee voting station has ceased operation for an election.

21.300(3) Staff. Satellite absentee voting station workers may be selected from among the staff members of the commissioner's office, from the election board panel drawn up pursuant to Iowa Code sections 49.15 and 49.16, or a combination of these two sources. Compensation of workers selected from the election board panel shall be at the rate provided in Iowa Code section 49.20.

At least three people shall be assigned to work at each satellite absentee voting station; more workers may be added at the commissioner's discretion. All workers must be registered voters of the county, and for primary and general elections the workers must be registered with a political party. No more than a simple majority of the workers shall be members of the same political party.

People who are prohibited from working at the polls pursuant to Iowa Code section 49.16 may not work at satellite absentee voting stations.

21.300(4) Oath required. Before the first day of service at a satellite absentee voting station each worker shall take the following oath:

I, _____ (name) _____, do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of satellite absentee voting station worker, and will endeavor to prevent fraud, deceit and abuse in performing those duties.

Signature of worker

Address

Officer administering oath

Date

The oath must be taken before each election.

21.300(5) Supplies needed for each satellite absentee voting station. Each satellite absentee voting station shall be provided with the following supplies:

- a. Voter registration forms for new registrations and changes of registration information.
- b. Absentee ballot application forms.

c. An absentee voters' log in which to record the names of electors casting absentee ballots, the serial numbers on their applications and affidavit envelopes, and the date the ballots are returned. The log may also be used to record the return of absentee ballots which were mailed.

- d. Affidavit envelopes for absentee ballots.
- e. Secrecy envelopes or folders, if needed for use with electronic voting systems.
- f. Absentee ballots in sealed container(s).

- g. Marking devices appropriate for the voting system that will be used to tabulate the ballots.
- h. Two or more voting booths, at least one of which shall be suitable for use by a person seated in a chair or wheelchair.
- i. One or more ballot boxes equipped with locks and keys, or tamperproof seals.
- j. Table and chairs for workers.
- k. Two or more chairs for voters.
- l. Barricade system to control access to voting area.
- m. Secure containers for returning unused ballots. Containers used to send ballots to the satellite absentee voting station may be reused.
- n. Paper clips, tape or rubber bands to attach request forms to affidavit envelopes.
- o. Pens and other supplies for the workers.
- p. Instructions in large type explaining the proper method of marking the ballot.
- q. A list of other satellite absentee voting stations in the county, if any, and their addresses and scheduled times of operation.
- r. Precinct finder.
- s. Sample ballots for each precinct served by the satellite absentee voting station.
- t. Envelope to return spoiled ballots.
- u. Special ballot envelopes and return envelope.

21.300(6) *Ballot transport and storage.* At the commissioner's discretion the ballots may be transported between the commissioner's office and the satellite absentee voting station by the workers who will be on duty that day, or by two people of different political parties who have been designated as couriers by the commissioner. It is not necessary for the same people to transport the ballots in both directions.

If the ballots are transported by the satellite absentee voting station workers, two workers who are members of different political parties and the ballots must travel together in the same vehicle.

Ballots may be stored at the satellite absentee voting station during hours when the station is closed only if they are kept in a locked cabinet or container. The cabinet must be located in a room which is kept locked when not in use. Voted absentee ballots must be delivered to the commissioner's office at least once each week.

21.300(7) Ballot receipts. Satellite absentee voting station workers shall sign receipts for the ballots taken to the remote absentee voting site. The receipt shall be in substantially the following form:

**SATELLITE ABSENTEE VOTING STATION
BALLOT RECORD AND RECEIPT**

Precincts voting at satellite station: _____

Location of satellite station: _____

Satellite station address: _____

BALLOTS DELIVERED TO THE SATELLITE ABSENTEE VOTING STATION

Type of Ballot	Number Delivered	Delivered to: (print name)	(signature of each worker)
TOTAL DELIVERED *	<div>DATE: a.m.</div> <div>TIME: p.m.</div>		

BALLOTS RETURNED FROM THE SATELLITE ABSENTEE VOTING STATION

[illegible]

TOTAL NUMBER OF BALLOTS RETURNED: _____*

***The number of ballots returned must equal the number delivered.**

Number of ballots issued by mail and returned to this station: _____

	Print name	Signature
Ballots received from:		

RECEIVED BY: _____ DATE: _____ TIME: _____ a.m.
p.m.

A copy of the ballot record and receipt shall be retained in the commissioner's office. The original shall be sent with the ballots to the satellite absentee voting station.

21.300(8) *Arrangement of the satellite absentee voting station.* Protection of the security of the ballots (both voted and unvoted) and the secrecy of each person's vote shall be considered in the arranging of the satellite absentee voting station.

a. Security. The satellite absentee voting station shall be arranged so that ballots are protected against removal from the station by unauthorized people.

b. Voting area. Voting booths without curtains shall be placed so that passersby and other voters may not walk directly behind a person using the booth. At least one voting booth must be accessible to the disabled. The booth must be designed to accommodate a person seated in a chair or wheelchair. A chair must be provided for voters who wish to sit down while voting.

c. Electioneering. No signs supporting or opposing any candidate or question on the ballot shall be posted within 30 feet of the satellite absentee voting station. No electioneering shall be allowed within the sight or hearing of voters while they are at the satellite absentee voting station.

d. Chair provided. One or more chairs must be available for use by elderly or disabled voters waiting in line.

21.300(9) *Operation of the satellite absentee voting station.* At all times the station shall have at least two workers present to preserve the security of the ballots, both voted and unvoted. At satellite absentee voting stations used for primary and general elections, no more than a simple majority of the workers shall be registered with the same political party.

21.300(10) *Voter registration at the satellite absentee voting station.* Each satellite absentee voting station shall provide forms necessary to register voters and to record changes in voter registration records. Workers shall also be provided with a method of verifying whether people applying for absentee ballots are registered voters.

The commissioner may provide a list of registered voters in the precincts served by the station. The list may be on paper, microfiche or other media.

As an alternative, the commissioner may provide a computer connection with the commissioner's office.

21.300(11) *Procedure for issuing absentee ballot.* The following instructions for absentee voting are to be provided to all satellite absentee voting station workers:

HOW TO ISSUE ABSENTEE BALLOTS

1. Application. Each person who wishes to vote shall complete an application for an absentee ballot.

2. Check precinct. Check to be sure that the applicant's address is in a precinct served by this station.

3. Check registration. Check to see whether the applicant is a registered voter at the applicant's current address. People who live in (county name) County but who are not currently registered to vote in the county may register to vote at the satellite absentee voting station until (the date registration closes for the election). Changes of name, address, telephone number or party affiliation may be submitted at any time.

After (date registration closes) anyone who requests an absentee ballot and who is not a registered voter in the county may cast only a special ballot. Use the special ballot envelopes.

4. Affidavit envelope. Have the voter complete the affidavit envelope before you issue the ballot.

5. Voters may ask for help. Anyone who is unable to mark a ballot without help may be helped by any person chosen by the voter. **EXCEPTIONS:** The following people may not help a voter—the voter's employer, an agent of the employer, or an officer or agent of the voter's union.

The voter may also request help from the satellite absentee voting station workers. Two workers from different political parties must assist the voter.

WARNING: Do not tell anyone how the person voted.

6. Issue ballot. When a voting booth is available, give the voter the appropriate ballot. Ballots must be voted at the satellite absentee voting station. Ballots may not be taken away from the station.

7. Instruct voter. Instruct each voter to use only the pen or pencil provided by you, how to mark the ballot so that it can be counted, to enclose the ballot in the secrecy folder (if any), and to place the ballot in the affidavit envelope and seal it before returning it to the workers.

8. Send voter to booth. Each voter must use a voting booth. Do not permit anyone to vote anywhere else.

9. When the ballot is returned: Number the request form and the affidavit envelope with serial number and record the serial number in the log of absentee voters.

10. Storing voted ballots and applications. Attach the application to the sealed affidavit envelope and insert them in the locked ballot box.

21.300(12) Closing the station. The following instructions for closing the absentee voting station are to be provided to all satellite absentee voting station workers:

INSTRUCTIONS FOR CLOSING THE SATELLITE ABSENTEE VOTING STATION

At the end of each day, after everyone has voted who arrived before the time established to close the station, close the satellite absentee voting station. Each task on the list must be completed.

DO NOT OPEN ANY AFFIDAVIT ENVELOPES. These ballots will be opened and counted on election day.

1. Count the number of ballots of each type which have not been voted.
2. Record number of unvoted ballots by precinct on the ballot receipt form.
3. Place the ballots in the container provided and securely seal or lock the container.
4. Record the number of spoiled ballots by precinct on the ballot receipt form.
5. Count the number of spoiled ballots by precinct and place in the envelope provided. Enter this number on the ballot receipt form. Securely seal the envelope. All officials must sign the envelope.
6. From the absentee voters' log determine how many ballots from each precinct have been voted.
7. Compare the total number of ballots in the ballot box with the number of voters listed in the log. If there is a discrepancy, you must resolve it before leaving the station. If you cannot discover the source of the discrepancy, write a detailed explanation of the problem. All workers must sign the report.
8. If couriers will be picking up the ballots, all workers must wait until both couriers arrive. Ask the couriers for identification before surrendering the ballots. If the workers are to return the ballots to the commissioner's office, two workers who are members of different political parties and the ballots must travel together in the same vehicle to return the ballots.
9. Never leave any ballots unattended.
10. If the ballots will be stored at the satellite absentee voting station all workers must be present when the ballots are locked up. A daily log sheet shall be used to record the information requested above. When ballots are returned to the auditor's office the information on the daily log sheets shall be accumulated and entered on the ballot record and receipt form.

This rule is intended to implement Iowa Code section 53.11.

721—21.301(53) Absentee ballot requests from voters whose registration records are inactive.

21.301(1) *In person.* Absentee voters whose registration records are inactive and who appear in person to vote, either at the office of the commissioner or at a satellite absentee voting station, shall be required to provide identification before voting. The voter may present any of the identification documents prescribed in subrule 21.3(3). If the voter does not have appropriate identification documents, the official or staff person receiving the application shall challenge the ballot and notify the voter that the voter must provide a copy of the appropriate form of identification not later than the date upon which the absentee and special precinct board will meet to review provisional ballots after election day pursuant to Iowa Code section 50.21.

21.301(2) *By mail.* When a request for an absentee ballot is received by mail from a voter whose registration record has been made inactive pursuant to Iowa Code section 48A.29, the commissioner shall respond to the request.

a. Form. The commissioner shall send a voter registration form and the following notice:

Notice to the Voter:

Your request for an absentee ballot has been received and processed. However, our records show that your voter registration is not currently active. To restore your registration, please complete the enclosed voter registration form and return it to:

County Auditor

(Address)

Return the registration form separately. Do not enclose it with your absentee ballot.

This registration form must be received in my office no later than (the time the polls close) on (election day), or be postmarked no later than (the day before election day).

b. Instructions to commissioner. If the registration form is received by the deadline for receipt of absentee ballots as prescribed in Iowa Code section 53.17, and all other legal requirements are met, the ballot shall be counted. If the return carrier envelope is received before the registration form, the envelope shall not be opened but shall be held until the deadline for receipt of absentee ballots. If the registration form has not been received by the deadline, the officials of the absentee and special voters precinct board shall open the return carrier envelope. If the registration form is enclosed, and all other legal requirements are met, the ballots shall be counted. However, if the registration form is not enclosed in the return carrier envelope, the affidavit envelope containing the ballot shall not be opened.

This rule is intended to implement Iowa Code sections 48A.29 and 53.2.

721—21.302 to 21.358 Reserved.

721—21.359(53) Processing absentee ballots before election day. Only when the voters have been provided with secrecy envelopes may the commissioner direct the special precinct board to open affidavit envelopes on the day before election day.

21.359(1) The secrecy envelope shall be closed on at least two sides and shall completely cover the ballot. The envelope shall have the following message printed on it using at least 24-point type:

Secrecy Envelope

After you vote, put your ballot in here.

21.359(2) The special precinct board shall review voters' affidavits and applications to determine which ballots will be accepted for counting and prepare the notices to those voters whose ballots have been rejected. The affidavit envelopes containing ballots that will not be counted and the applications submitted for those ballots shall be stored in a secure location.

21.359(3) The affidavit envelopes containing the ballots that will be counted shall be stacked with the affidavits facing down. The envelopes shall be opened and the secrecy envelope containing the ballot shall be removed. The affidavit envelope and application shall be stored together.

21.359(4) If a voter has not enclosed the ballot in a secrecy envelope, the officials shall put the ballot in a secrecy envelope without examining the ballot. Two of the special precinct election officials, one from each of the political parties referred to in Iowa Code section 49.13(2), shall sign the secrecy envelope.

21.359(5) The following security procedures shall be followed:

a. The process shall be witnessed by observers appointed by the county chairperson of each of the political parties referred to in Iowa Code section 49.13, subsection 2.

b. No ballots shall be counted or examined before election day.

c. The number of secrecy envelopes shall be recorded before the ballots are stored and the number shall be verified before any ballots are removed from the envelopes on election day. The ballots may be bundled and sealed in groups of a specified number to make counting easier.

This rule is intended to implement 1997 Iowa Acts, House File 636, section 73.

721—21.360(53) Failure to affix postmark date. For any absentee ballot referred to in Iowa Code section 53.17, if the officially authorized postal service fails to affix a postmark date on the return carrier envelope, or the postmark date is illegible, but the date of the affidavit envelope is a date no later than the day prior to the election, the ballot shall be counted as provided in Iowa Code section 53.17. If no date can be read on either the return carrier envelope or the affidavit envelope, the affidavit envelope shall not be opened, and the ballot shall be rejected as provided in Iowa Code section 53.25.

This rule is intended to implement Iowa Code section 53.17.

721—21.361(53) Rejection of absentee ballot. The special precinct election board shall reject absentee ballots without opening the affidavit envelope if any of the conditions cited below exist.

21.361(1) An absentee ballot shall be rejected if the absentee voter's affidavit is insufficient. An insufficient affidavit lacks one or more of the following:

a. The signature of the voter,

b. The voter's address,

c. In primary elections only, the political party affiliation of the voter.

21.361(2) An absentee ballot shall be rejected if the applicant is not a duly qualified elector in the precinct in which the ballot is cast. "Precinct" means a precinct established pursuant to Iowa Code sections 49.3 through 49.5.

21.361(3) An absentee ballot shall be rejected if the affidavit envelope is open.

21.361(4) An absentee ballot shall be rejected if the affidavit envelope has been opened and resealed.

21.361(5) An absentee ballot shall be rejected if the affidavit envelope contains more than one ballot of any kind. This includes all ballots contained in the affidavit envelope, whether or not they are enclosed in secrecy envelopes.

21.361(6) An absentee ballot shall be rejected if the voter has voted in person.

21.361(7) An absentee ballot shall be rejected if in primary elections the political party declared on the affidavit envelope is different from the political party whose ballot was requested on the application for the ballot.

21.361(8) An absentee ballot that was delivered to the commissioner's office by someone other than the voter or an absentee ballot courier shall be rejected if the voter responds to the notice sent pursuant to subrule 21.376(3) and reports:

a. The voter requested an absentee ballot but did not receive it.

b. In the voter requested and received an absentee ballot but did not vote it or return it.

- c. The voter did not request or vote an absentee ballot.
- d. Other unusual circumstances that cause the absentee and special voters precinct board to conclude that the voter did not cast the ballot.

This rule is intended to implement Iowa Code sections 43.38, 49.9 and 53.25.

721—21.362 to 21.369 Reserved.

721—21.370(53) Training for absentee ballot couriers. All absentee ballot couriers shall be trained using the curriculum prescribed in rule 21.375(53). It is the responsibility of any person who wishes to serve as an absentee ballot courier to obtain training from an authorized trainer. If a video class is used, the trainer shall be present while the courier trainee views the video and shall be available to answer questions. Each courier shall also receive a paper copy of rule 21.375(53).

21.370(1) For all elections, the county commissioner of elections or the commissioner's designee shall provide training.

21.370(2) For partisan elections only, training may be provided by:

- a. State or county central committees of the political parties defined by Iowa Code section 43.2.
- b. Members of the paid staff of a state or county central committee.
- c. County and state political parties.
- d. Members of the paid staff of a county or state political party.

721—21.371(53) Certificate. The trainer shall provide each person who completes the training with a certificate in substantially the following form:

Official
State of Iowa
Secretary of State
Absentee Ballot Courier

_____ has successfully completed the training course prescribed by the Iowa State Commissioner of Elections and is now authorized under Iowa law to collect absentee ballots from voters for delivery to the County Commissioner of Elections in counties in which the courier is registered. Each County Commissioner keeps a list of Absentee Ballot Couriers who are registered to serve in the county.

This certificate was awarded on _____, 20 _____. It expires one year from this date.

Signed: _____

Trainer

Name of Organization: _____

721—21.372(53) Frequency of training. An absentee ballot courier who has completed the training course may serve as a courier for any election held for a period of one year from the date of completion of the training without receiving additional training. A separate registration must be submitted for each election pursuant to rule 21.373(53). The trainer shall register the courier for each election for which the courier wishes to serve during the following 12 months.

721—21.373(53) Registration of absentee ballot couriers.

21.373(1) *Filing location.* The trainer shall register each courier with the commissioner of every county in which the courier may collect or deliver absentee ballots from voters or other couriers and deliver absentee ballots to the commissioner.

21.373(2) *Content.* The registration may include more than one courier on a list and shall include:

a. The courier's name and address and the best means for contacting the courier, which shall include the courier's mobile or other telephone number, E-mail address, or any other information that will help the commissioner reach the courier.

b. The name and telephone number or E-mail address of the courier's trainer.

c. The name of the political party, candidate or committee, if any, for which the courier is serving as an actual or implied agent and the best method for contacting the entity.

21.373(3) *Timely registration.* Trainers shall register couriers with the county commissioner before each election for which the courier will serve. Trainers may register couriers no later than the day before the election. No absentee ballot couriers shall be registered on any election day for an election being conducted that day.

21.373(4) *Method for filing.* The trainer shall file the registration information with the commissioner before the courier begins collecting ballots. The registration may be personally delivered, E-mailed, sent by facsimile transmission or mailed. If the training is completed when the commissioner's office is closed and it is not possible for the trainer to register the courier, the trainer may use any of the following methods to register newly trained couriers after the completion of the training course:

a. Send the registration by facsimile transmission to the commissioner within 24 hours.

b. Mail the registration to the commissioner if the envelope containing the registration information is postmarked on the next business day.

c. E-mail the registration to the commissioner within 24 hours and follow the E-mail with a fax or mailing as set forth above.

721—21.374(53) County commissioner's duties. The county commissioner shall be responsible for the registration of absentee ballot couriers and for the training of those couriers not trained by the political parties pursuant to subrule 21.370(2).

21.374(1) Applicants for courier training not trained pursuant to subrule 21.370(2) shall contact the commissioner to schedule a time for training. The commissioner shall make reasonable efforts to accommodate all requests for training.

21.374(2) The commissioner shall maintain a list of all absentee ballot couriers who are registered in the county to collect ballots in the county for each election.

21.374(3) If a person who has completed the absentee ballot courier training course requests the commissioner to register the person as an absentee ballot courier with the county commissioner of one or more other counties, the commissioner shall comply with the request.

721—21.375(53) Absentee ballot courier training. The training materials provided to absentee ballot couriers shall be in substantially the following form and shall include all of the following information:

Absentee Ballot Courier Training

As an absentee ballot courier, you will be visiting voters in their homes and handling voted ballots. This is an important service to the voters. Any mistakes that you make have serious consequences. Your errors can take away someone else's chance to vote. If you break the law and you are convicted, you can be fined, be sent to prison and lose your right to vote.

There are many legal restrictions that apply to absentee voting. Pay careful attention to these:

1. No candidates or elected officials may serve as absentee ballot couriers.

a. Candidates whose names are on the ballot for an election may not serve as couriers for that election.

b. No elected official may serve as a courier, including anyone holding an office that is filled by the voters at any level of government.

It is a felony for a candidate or an elected official to serve as an absentee ballot courier.

2. Only a trained and registered absentee ballot courier or the person who voted an absentee ballot may deliver a voted absentee ballot to the county auditor's office. The only exceptions to this restriction apply to voters who are in hospitals and nursing homes. It is an aggravated misdemeanor for anyone other than the absentee ballot courier or person who voted the ballot to deliver the absentee ballot to the auditor's office.

3. It is also an aggravated misdemeanor to lie about an unauthorized person returning an absentee ballot.

4. It is a felony to violate the requirements of the absentee ballot courier law. This law requires anyone acting on behalf of a political party, candidate or committee organized under the campaign finance law to be trained and registered before the person can collect absentee ballots.

5. The courier must provide each voter with a receipt for the voter's ballot and must properly document the ballots in the courier's care.

6. Vote fraud and intimidating and bribing voters are also felonies under Iowa law.

7. DO NOT:

a. Destroy, deliver, or handle an absentee ballot with the intent of interfering with the voter's right to vote.

b. Produce, procure, submit, or accept an absentee ballot that is known by the person to be materially false, fictitious, forged, or fraudulent.

c. Make a false or untrue statement in an application for an absentee ballot or make or sign a false certification or affidavit in connection with an absentee ballot.

d. Otherwise deprive, defraud, or attempt to deprive or defraud the citizens of Iowa of a fair and impartially conducted election process.

e. Intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, a person to vote or to exercise a right under the election laws of Iowa.

f. Pay, offer to pay, or cause to be paid money or any other thing of value to a person to influence the person's vote.

g. Pay, offer to pay, or cause to be paid money or any other thing of value to an election official conditioned on some act done or omitted to be done contrary to the person's official duty in relation to an election.

h. Conspire with or act as an accessory to another person to commit an act in violation of laws prohibiting vote fraud, duress and bribery.

Courier Responsibilities

1. County information. You need to have the following information:
 - a. The address of the auditor's office where ballots should be delivered.
 - b. Hours that the auditor's office is open.
 - c. Holidays during which the office will be closed.
 2. Supplies. Be prepared. Take along what you need for your own personal needs, as well as the following materials:
 - a. Certificate showing that you are a trained absentee ballot courier. You may want to have along some additional form of identification.
 - b. Cover sheet to list the ballots you have collected.
 - c. Receipt forms.
 3. Ballot security.
 - a. Keep all of the ballots you collect in a ballot box or bag that you can close securely. Don't use the ballot box or bag for anything else.
 - b. Keep the ballot box in your personal possession. Don't leave it unattended.
 - c. Store the cover sheet separately from the ballots.
 - d. At the end of the day and when turning over the ballots to another courier, check the ballots against the cover sheet to be sure that:
 - (1) All ballots in the box are included on the cover sheet.
 - (2) All ballots listed on the cover sheet are in the box.
 4. Lost ballots. If you lose any ballot, call the county auditor as soon as you discover the loss. Take your cover sheet to the auditor's office. The auditor may be able to replace the lost ballots.
 5. Introduction. Introduce yourself and explain that you are an absentee ballot courier and have come to pick up absentee ballots to be delivered to the county auditor. Be prepared to show your training certificate if anyone asks for it.
 6. Secret ballot. The voter is required by law to mark the ballot in secret, unless the voter cannot mark the ballot because of a disability.
 7. Voters who ask for help. A voter who has a disability may ask anyone for help to mark the ballot. **Do not help mark a ballot unless the voter asks for your help.** Please note that federal law prohibits the following people from helping a voter:
 - a. The voter's employer or an agent of the voter's employer.
 - b. An officer or agent of the voter's union.
 8. **If you help someone vote:**
 - a. Do not tell the voter how to vote.
 - b. Mark the ballot according to the voter's instructions.
 - c. If the voter is not sure who to vote for, don't decide for the voter.
 - d. Do not tell anyone else how the person voted.
 9. Spoiled ballots. If the voter tells you that the voter has made a mistake in marking the ballot, or that the ballot is spoiled or damaged in some way, you can return the ballot to the auditor's office for the voter. This must be done immediately. The auditor will mail a replacement ballot to the voter. Have the voter:
 - a. Put the ballot and Affidavit Envelope in the Return Carrier Envelope.
 - b. Write "Spoiled Ballot" on the Return Carrier Envelope.
- If a spoiled ballot is returned to the auditor's office and a replacement absentee ballot is not voted or the voter does not receive the replacement ballot, the voter may vote at the polls on election day.

10. Secrecy folder or envelope. The voter should put the ballot into the secrecy folder, if one was provided. The secrecy folder does not have to be sealed. Its purpose is to conceal the marks on the ballot when the ballot is removed from the Affidavit Envelope. Put the secrecy envelope in the Affidavit Envelope.

11. Affidavit Envelope. The Affidavit Envelope must be filled out or the ballot cannot be counted. The affidavit must include:

- a. The address where the voter lives.
- b. The voter's signature.
- c. Date the voter signed the affidavit.
- d. For primary elections only, the voter's political party affiliation.

If the voter cannot sign the affidavit because of a disability, and if the voter asks for your help, you may sign the voter's name in the voter's presence and with the voter's permission. Add your name and the title "Registered Absentee Ballot Courier" to the envelope.

12. Sealing the Affidavit Envelope. If the Affidavit Envelope is open, or has been opened and re-sealed, the ballot will not be counted. **MAKE SURE THE AFFIDAVIT ENVELOPE IS SEALED PRIOR TO ACCEPTING THE BALLOT.**

13. Return Carrier Envelope. The Affidavit Envelope must be sealed inside the Return Carrier Envelope.

14. Receipt for ballot. You must provide each voter with a receipt for the voter's ballot, and must properly document the ballots in your care. Use only the receipt form prescribed by the Secretary of State.

15. Cover sheet. Record each ballot on the cover sheet. Use only the cover sheet form prescribed by the Secretary of State.

16. Deliver the ballot to the county that issued it. The appropriate courier must personally deliver the ballots (see paragraph "19" below). Do not use a drop box. The Return Carrier Envelope will have the auditor's county and mailing address on it. Do not deliver ballots to the wrong county.

17. Out-of-county ballots. If you visit a voter who has a ballot that needs to be delivered to another county, and you are not a registered courier for that county or you cannot deliver the ballot on time, advise the voter to mail the ballot to the appropriate county. No postage is necessary. Please note that the ballot envelope must be postmarked before election day.

18. Do not mail any absentee ballots! Unless you are an immediate family member, you may not mail the ballot for another voter.

Immediate family member includes only **the voter's**:

- a. Husband or wife;
- b. Daughter, stepdaughter, son or stepson, if that family member is 18 years of age or older;
- c. Granddaughter or grandson, if that family member is 18 years of age or older;
- d. Parent or stepparent;
- e. Grandfather or grandmother;
- f. Sister or brother, if that family member is 18 years of age or older.

19. Transferring ballots to another absentee ballot courier for a political party, candidate or committee. The law allows you to transfer the ballots you collected to another courier if a delivery courier has been designated by the political party, candidate or committee for whom you are acting. Ballots may not be transferred more than once. When you transfer the ballots:

- a. Compare the ballots in your possession with the ballots on your cover sheet.
- b. Get a receipt. You are personally responsible for the ballots you collected. Your name is on the receipts you gave to the voters.

20. Delivery schedule. Deliver ballots to the appropriate county auditor within 72 hours (three days) after you retrieve them from the voters. If you received the ballots from another courier, the 72-hour limit applies from the time the ballot was collected from the voter, not from the other courier. If the 72-hour limit ends on a day when the auditor's office is closed, you must deliver the ballots on the next day that the auditor's office is open.

It is your responsibility to know what hours the auditor's office will be open. Ask the auditor's office staff for a list of holidays for which the office will be closed.

All county auditor's offices are open on the two Saturdays before primary and general elections.

For primary and general elections, the polls close at 9 p.m. All absentee ballots must be delivered by that time. Ballots delivered after 9 p.m. cannot be counted.

For all other elections, the polls close at 8 p.m. All absentee ballots must be delivered by that time. Ballots delivered after 8 p.m. cannot be counted.

21. Check-in process. Auditor's office staff may compare your cover sheet with the ballots to verify that all items on the cover sheet are included and that all ballots in the group are on the cover sheet. The auditor will give you a file-stamped copy of your cover sheet. Keep this. You are personally responsible for the ballots you collected and may be asked for proof that you delivered the ballots to the appropriate county auditor's office.

721—21.376(53) Receiving absentee ballots. The county commissioner shall carefully document the return of absentee ballots.

21.376(1) From couriers. When a courier delivers the ballots, the commissioner shall mark the cover sheet with the date and time that they were received and the name of the person receiving the ballots. The commissioner shall make a copy of the cover sheet and give it to the courier. The commissioner shall keep the original cover sheet for the county's records. The commissioner shall compare the cover sheet with the ballots being returned either while the courier is present or later the same day.

If the commissioner does not compare the cover sheet and the ballots returned by the courier at the time of delivery, the cover sheet and ballots shall be kept together in a secure place until the comparison is done. The ballots shall not be intermingled with any other absentee ballots until they have been compared to the courier's cover sheet.

If the courier returned ballots that were not listed on the cover sheet, the commissioner shall note the discrepancy on the cover sheet and attach an explanation of the discrepancy to the ballot envelope.

If there are ballots listed on the cover, but not returned, the commissioner shall contact the courier at once by the best means available and determine the location of the ballot. If the courier cannot locate the ballot, the ballot shall be considered a lost ballot under Iowa Code section 53.21.

21.376(2) Absentee ballots delivered by unauthorized person. If someone other than the voter or a registered absentee ballot courier delivers one or more absentee ballots to the commissioner's office, the commissioner or the commissioner's staff members shall record the name of the person who delivered the ballots and send the notice provided for in 21.376(3).

21.376(3) Notice to voter. The commissioner shall send a notice in substantially the following form:

Iowa law limits the persons who may return and the methods for returning absentee ballots. From information available to our office, it appears that an unauthorized person may have delivered your ballot. Your ballot will be counted unless you return this form or reply before _____ [date and time the Absentee and Special Voter's Precinct Board will convene] with the following information:

- ☐ I requested an absentee ballot, but did not receive it.
- ☐ I requested and received an absentee ballot, but I did not vote it or return it.
- ☐ I did not request or vote an absentee ballot.
- ☐ Other unusual circumstance _____

Signed: _____ Date: _____

These rules are intended to implement Iowa Code chapter 53 as amended by 2004 Iowa Acts, Senate File 2269.

721—21.377 to 21.399 Reserved.

DIVISION IV INSTRUCTIONS FOR SPECIFIC ELECTIONS

721—21.400(376) Signature requirements for certain cities. This rule applies to cities which have all of the following characteristics:

1. Nomination procedures under Iowa Code section 376.3 are used. (This includes cities with primary or runoff election provisions. It does not include cities with nominations under Iowa Code chapter 44 or 45.)
2. Some or all council members are voted upon by the electors of wards, rather than by the electors of the entire city.
3. Ward boundaries have been changed since the last regular city election at which the ward seat was on the ballot.
4. The number of wards has not changed.

Calculation of the number of signatures for ward seats shall use the vote totals from the wards as the wards were configured at the time of the last regular city election at which the ward seat was on the ballot.

This rule is intended to implement Iowa Code section 376.4.

721—21.401(376) Signature requirements in cities with primary or runoff election provisions. In cities using the provisions of Iowa Code section 376.4 for nomination of candidates and in which more than one council member was elected at-large at the last preceding regular city election, the number of signatures shall be calculated by the following formula:

V = the total number of votes cast for all candidates for council member at-large at the last regular city election;

E = the number of people to be elected at the last regular city election;

$\frac{V}{E}$

$\times .02$ = the number of signatures needed by each candidate in the next regular city election.

This rule is intended to implement Iowa Code section 376.4.

721—21.402(372) Filing deadline for charter commission appointment petition. If a special election has been called by a city to present to the voters the question of adopting a different form of city government, receipt by the city council of a petition requesting appointment of a charter commission shall stay the special election if the petition is received no later than 5 p.m. on the Friday preceding the date of the special election.

This rule is intended to implement Iowa Code section 372.3.

721—21.403(81GA,HF2282) Special elections to fill vacancies in elective city offices for cities that may be required to conduct primary elections.

21.403(1) Notice to the commissioner. At least 60 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election.

a. If the commissioner finds no conflict with other previously scheduled elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

b. No special city elections to fill vacancies for cities that may be required to conduct primary elections shall be held with the general election, with the primary election, or with the annual school election. To do so would be contrary to the provisions of Iowa Code section 39.2.

21.403(2) Election calendar. The election calendar shall be adjusted as follows:

a. The deadline for candidates to file nomination papers with the city clerk shall be not later than 12 noon on the fifty-third day before the election.

b. The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the fifty-third day before the election.

c. A candidate who has filed nomination papers for the special election may withdraw not later than 5 p.m. on the fiftieth day before the election.

d. A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election not later than 12 noon on the fiftieth day before the election.

e. The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2) as amended by 2006 Iowa Acts, House File 2282, section 2.

721—21.404(81GA,HF2282) Special elections to fill vacancies in elective city offices for cities without primary election requirements. This rule applies to cities that have adopted by ordinance one of the following options: nominations under Iowa Code chapter 44 or chapter 45, or a runoff election requirement if no candidate in the special election receives a majority of the votes cast.

21.404(1) Notice to the commissioner. At least 32 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election. If the commissioner finds no conflict with other previously scheduled elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

21.404(2) Special elections to fill vacancies held in conjunction with the general election. If the proposed date of the special election coincides with the date of the general election, the council shall give notice of the proposed date of the special city election not later than 76 days before the date of the general election. Candidates shall file nomination papers with the city clerk not later than 5 p.m. on the seventieth day before the general election. The city clerk shall deliver the nomination papers accepted by the clerk not later than 5 p.m. on the sixty-ninth day before the general election. Objection and withdrawal deadlines shall be 64 days before the general election, the same as the deadlines for candidates who file their nomination papers with the commissioner. Hearings on objections shall be held as soon as possible in order to facilitate printing of the general election ballot.

21.404(3) *Election calendar.* If the special election date is not the same as the date of the general election, the election calendar shall be adjusted as follows:

a. The deadline for candidates to file nomination papers with the city clerk shall be not later than 12 noon on the twenty-fifth day before the election.

b. The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the twenty-fifth day before the election.

c. A candidate who has filed nomination papers for the special election may withdraw not later than 5 p.m. on the twenty-second day before the election.

d. A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election not later than 12 noon on the twenty-second day before the election.

e. The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2) as amended by 2006 Iowa Acts, House File 2282, section 2.

721—21.405 to 21.499 Reserved.